

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

|                              |   |                 |
|------------------------------|---|-----------------|
| IN RE:                       | § |                 |
| NONJUDICIAL CIVIL FORFEITURE | § |                 |
| PROCEEDING INVOLVING         | § | MISC. CASE NO.: |
| FIVE FIREARMS                | § |                 |
|                              | § |                 |

UNOPPOSED MOTION TO EXTEND TIME  
UNDER 18 U.S.C. § 983(a)(3)(A)

The United States, by the United States Attorney for the Southern District of Texas, as authorized by 18 U.S.C. § 983(a)(3)(A), moves the Court to extend the time in which the United States is required to file a complaint for forfeiture and/or to obtain an indictment alleging forfeiture from May 13, 2022 to August 11, 2022.

The United States represents to the Court as follows:

1. On December 3, 2021, agents with Homeland Security Investigations (“HSI”) executed a federal search warrant at a residence in College Station, Texas, 77845 for violations of 21 U.S.C. §§ 841 and 846. During the search, controlled substances, as well as the five (5) firearms listed below, were seized from said residence:
  - S&W SD9-FBB9737 9mm pistol;
  - Ruger LCR-54130628 .38cal rifle;
  - Walther P22 L373051 .22 pistol;
  - Ruger GP100 17427659 .357 cal pistol; and
  - Marlin 30-30 20024477 30/30 rifle.
2. The five (5) firearms will be herein collectively referred to as “the property”.
3. Following the seizure, HSI initiated administrative forfeiture proceedings against the

property. All of the written notice of intent to forfeit required by 18 U.S.C. § 983(a)(1)(A) to be sent by HSI to interested parties has been sent.

4. The time has expired for any person to file a claim to the property under 18 U.S.C. § 983(a)(2)(A)-(E).
5. On February 12, 2022, HSI received a claim filed by Kirby Nichole Henderson (“the claimant”) to the property in a nonjudicial civil forfeiture proceeding against the property.
6. Upon the filing of the claim, HSI transmitted the claims to the United States Attorney for the purpose of initiating a judicial forfeiture action against the property.
7. Under 18 U.S.C. § 983(a)(3)(A), the United States is required to file a complaint for forfeiture against the property and/or to obtain an indictment alleging that the property is subject to forfeiture no later than May 13, 2022.
8. The United States and the claimant have reached an agreement under 18 U.S.C. § 983(a)(3)(A), to extend the 90-day deadline to file a complaint for forfeiture and/or to obtain an indictment alleging forfeiture with the intent to engage in settlement negotiations. A proposed Order Extending Time is attached to this Motion.

#### Conclusion

Based upon the agreement of the Parties to extend the time, the United States respectfully requests that the Court extend the period in which the United States is required to file a complaint against the property and/or to obtain an indictment alleging that the property is subject to forfeiture to and including August 11, 2022.

Respectfully submitted,

JENNIFER B. LOWERY  
UNITED STATES ATTORNEY

By: */s/ Yifei Zheng*

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**CERTIFICATE OF CONFERENCE**

Craig Greening, Counsel for Kirby Nicole Henderson, has been contacted and he does not oppose the Court extending the period in which the United States is required to file a complaint against the property and/or to obtain an indictment alleging that the property is subject to forfeiture to and including August 11, 2022.

*/s/ Yifei Zheng*

YIFEI ZHENG  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

A true and correct copy of this document was served on all counsel via electronic court filing and via email on May 13, 2022.

*/s/ Yifei Zheng*

YIFEI ZHENG  
Assistant United States Attorney